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SUBJECT: GUATEMALAN ANTI-CAFTA DEMONSTRATORS INCITE
VIOLENCE, VANDALISM

1. Summary. Having failed to head off congressional approval of CAFTA through democratic means, a small group of Guatemala's CAFTA opponents sought to tarnish the agreement by staging violent protests over the last week. From March 8-14, demonstrators turned out mostly in the capital, where they threw rocks, set small fires, blocked roads, and destroyed property. Injuries were minor, there were fewer than two dozen arrests, and (contrary to some allegations) no "disappearances." Although police generally showed restraint, some demonstrators claimed they were the victims of excessive force. Demonstration organizers did not condemn the violence. Meanwhile, demonstrations in rural areas outside the capital also turned violent. On March 15, gunfire in the remote department of Huehuetenango left one demonstrator dead and nearly a dozen others injured. Despite the regrettable casualties, the intensity of the violence of the anti-CAFTA demonstrators does not reflect public sentiment toward CAFTA as much as the March 10 congressional vote (126-12) in its favor. End Summary.

Five Days of Violent Demonstrations in the Capital

2. Attempting to disrupt congressional consideration of CAFTA, relatively small anti-CAFTA groups surrounded Congress March 8 in what was the first of several days of intermittently violent demonstrations. Participants included students of the public University of San Carlos (USAC), members of the small leftist political party URNG, trade unions, and peasant and indigenous rights groups. Organizers claimed their voices had not been heard on CAFTA, and some insisted CAFTA should be submitted to a national referendum. In addition to these organized groups, some of which appeared determined to provoke police retaliation, the demonstrations were clearly a magnet for non-ideological vandals and thugs.

3. On March 8, a few demonstrators threw rocks, bottles, water, and manure at Congress representatives trying to enter or leave the Congress, an act which prompted the civilian police (PNC) to erect barriers on the streets adjacent to Congress, effectively barring access to Congress. PNC were instructed to respond only if demonstrators attempted to breach those barriers.

4. While demonstrations on March 8-11 were marred by violent clashes between demonstrators and PNC, there were relatively few injuries, little property damage, and only one confirmed arrest. Violence intensified, however, in the wake of CAFTA's March 10 approval by an overwhelming (126-12) margin of victory in Congress. On March 14, after a weekend break, demonstrators resumed with the largest turnout and most militant demonstrators. While some demonstrators remained peacefully in the central square, others fanned out across the city, shifting their focus from Congress and toward the Presidential Palace, the Ministry of Defense, and the U.S. Embassy. There were no organized demonstrations in the capital on March 15; on the morning of March 16 demonstrators returned in much smaller numbers and without incident.

Road Blocks in the Provinces

5. In addition to the demonstrations in the capital, on March 14 and 15 anti-CAFTA groups organized at least 15 road blocks on highways throughout Guatemala. Most disbanded peacefully within a few hours. However, in a few isolated incidents, there was gunfire. Reports vary; however, at this time it appears possible that at least one demonstrator was killed and as many as eight others injured by bullet wounds in the rural department of Huehuetenango. It remains unclear who instigated the shooting and whether demonstrators were shot by PNC or hit by stray bullets fired from within their own ranks. The PNC stated it would send investigators from the Office of Professional Responsibility (ORP) to determine who fired the first shots and whether the lethal shot was fired by police. On March 16, violence erupted in Quiche, where PNC used tear gas against demonstrators. A reporter, accused of being undercover police, was severely beaten by crowds before being rescued by PNC. As of COB March 16, the Embassy was unable to get from the PNC or the Army their accounting of events in Huehuetenango.

Allegations of excessive force by Military and PNC

16. Press photos and video of events in the capital between March 8 and 14 show the PNC armed only with batons and plastic barriers under assault by demonstrators setting fires, hurling rocks and bottles, and wielding long sticks, identical in length and shape. The sticks, which could not have been found in the street, belied organizers' claims that their intentions were merely to protest peacefully. Many eyewitness accounts assert that certain protesters arrived at the demonstrations carrying backpacks filled with stones, or worse, carrying "Molotov cocktails," and that they deliberately sought to provoke a violent, repressive reaction from the PNC. Other acts of aggression included setting fire to protective plastic barriers, hijacking and destruction of city buses, and random destruction of private property. Many wore ski masks to hide their identities.

17. In one of the ugliest scenes caught by television cameras, demonstrators moved from the U.S. Embassy to the Ministry of Defense, where they cornered six soldiers who attempted to hide behind their plastic shields while demonstrators pelted them with bricks. Two were injured.

18. Most sources agree that the PNC acted with admirable restraint under the circumstances. Newspapers reported that tear gas and water cannons were used against protesters, but not until protesters assaulted police with fire, bottles, and bricks. Some witnesses claimed that the PNC reacted with too much force and, in certain specific cases, severely beat demonstrators. In one such case, we have confirmed that the alleged victim was brandishing a machete and was further found in possession of a knife and fragmentation grenade. He was taken to hospital in police custody, but no broken bones or other injuries were found.

19. Embassy contacted several prominent human rights organizations for comment, including the Guatemalan Commissioner for Human Rights, the office of the Human Rights Ombudsman (PDH), the Center for Human Rights Legal Action (CALDH), the Mutual Support Group (GAM), the Constitution Defense Center (CEDECON), and the Archbishop's Office for Human Rights (ODHAG). Generally, these groups could summon no more than mild disapproval of police actions. For example, several complained that the PNC violated demonstrators' rights by prohibiting them from entering Congress. None could cite specific examples of excessive force by the police. In a conversation with the Ambassador, the Presidential Commissioner for Human Rights, Frank La Rue, commented that he believed the PNC had reacted appropriately.

110. Leading daily Prensa Libre reported that a photographer was attacked by police to prevent his photographing police abuses but did not elaborate. Newspapers have detailed accounts of aggressive tactics employed by protesters against the PNC. Weekend editorials in three leading newspapers condemned the violent attempt to intimidate and disrupt the work of Congress, noted that the demonstrations infringed on the rights of others, and called on the police to maintain law and order. As a rule, these same newspapers are quick to criticize any instances of police brutality or use of excessive force.

111. None of our sources report any military involvement in the capital. The military was deployed in some locations outside the capital, with instructions to support police. There is no evidence at this time that the military engaged demonstrators.

Property Damage, Injuries, Arrests -----

112. Many shops and vendors in the conflictive zones, fearing violence and vandalism, remained closed throughout most of the demonstrations, and many area schools were closed as well. On March 9, demonstrators hijacked and burned a bus. A car was also partially damaged by straying projectiles. On March 14, two more buses were hijacked, possibly with the intention of running them without drivers through the police barriers. Instead, both veered off the road and crashed into downtown buildings. The press also reports that patrons of a Pollo Campero restaurant were held hostage in the restaurant while a splinter group destroyed the restaurant facade. Diners were later rescued by emergency workers and the vandals disbanded by the PNC.

113. From March 8-11, we confirmed only one arrest and heard unconfirmed rumors of a second. On March 14, 16 arrests were made in the capital.

114. Reports of injuries vary; however, it appears that between 40 and 50 individuals have been injured, which includes both PNC and demonstrators. At least one demonstrator was killed (see paragraph 5).

115. There are no credible reports of "disappearances" of protesters during or after the demonstrations. Early on, a

number of demonstrators, including a full busload from one town in the Peten, were reported missing. As it turned out, those individuals were simply delayed in returning home, provoking unfounded allegations of "disappearances." Demonstration organizers with whom we spoke March 11 confirmed their members were accounted for and unhurt. The PDH filed habeas corpus motions for two missing observers, but they were neither to be found in police custody nor at any hospital (nor did demonstrators report that the two missing individuals were seen being taken into custody). We suspect that, as in the case of the busload from Peten, their "disappearance" was a matter of miscommunication.

Who's to Blame for the Violence?

116. Some leaders of labor, peasant, and indigenous groups sought to distance themselves from the more violent demonstrators, primarily USAC students and members of the URNG.

117. Demonstration organizers accepted no responsibility for the violence, either blaming the PNC for inciting it, or blaming unknown infiltrators in their ranks. However, none have publicly called on protesters to end the violence. Instead they have justified it as a "natural expression" of unhappiness with CAFTA. The URNG issued a statement in which it denounced the "repression against the people of Guatemala by the government of Oscar Berger... in response to a peaceful demonstration."

118. President Berger made several public statements in support of PNC actions, in which he affirmed the right of citizens to demonstrate but not to incite violence, damage property, or impede the movement of other people.

Stein Attempted Conciliation with Demonstration Organizers

119. Late March 14, in an attempt to end the violence, Vice President Stein and Minister of Government Vielmann met with six demonstration organizers in the office of the Human Rights Ombudsman, which may account for the next day's absence of demonstrators in the capital. Cardinal Quezada Toruno was also present. Another meeting was held March 15 and, by all accounts, both sides left unsatisfied. Demonstration leaders promised more protests if their demands were not met. The vice president, who originally took a conciliatory stance, has since stated that organizers' demands leave little room for dialog.

Comment

120. Having failed to muster large numbers of protesters for peaceful demonstrations, some CAFTA opponents sought to use violence to mislead people -- particularly outside Guatemala -- about the extent of opposition to the trade pact. Although there is much anxiety in some sectors about CAFTA, polls indicate most Guatemalans support CAFTA, a view reflected in the congressional vote of 126-12 in its favor.
End Comment.
HAMILTON